



Seattle detective in 'stomping' incident likely to keep his job

by LINDA BYRON / KING 5 News

Posted on March 2, 2011 at 4:58 PM

Updated today at 10:26 AM

SEATTLE - After a video of two Seattle police officers stomping on a Latino man hit the airwaves last May, there was widespread agreement that Officer Shandy Cobane crossed the line with his racially charged language.

Cobane apologized after the video surfaced.

"I know that my words cut deep and were very hurtful," he said.

And Chief John Diaz denounced Cobane's words.

"The use of a racial slur, there is no excuse for it in any way, shape or form," he said.

Internal investigators have told the chief that Cobane should be disciplined for misconduct for what he said - his use of derogatory language and profanity - but not for what he did - stomping on the suspect as the suspect lay on the ground.

Internal investigations had an outside forensic expert review the video close-up, sources say. The conclusion was that Cobane did not strike the suspect's head. Instead, it appeared Cobane was trying to keep the man, who was later released without charges, from moving his arms in case he had a weapon.

The discipline being proposed is to move the veteran gang officer out of the gang unit and that he be suspended for 30 days without pay.

The chief wanted to fire Cobane for the racial language, but the department's legal advisor told him that Cobane would probably get his job back on appeal if that happened.

Cobane was not at that meeting. He still has the right to meet with the chief to plead his case. At that point the chief will make a final decision on the misconduct and the discipline.

The other officers on the tape also avoids a misconduct finding for use of force, but gets dinged for use of profanity in the proposed disposition memo presented to the chief on Tuesday.

A sergeant at the scene is looking at violations for not reporting the use of force and the possible misconduct. And three other officers will get what's called supervisory intervention for not reporting possible misconduct.

But none of this is final. The chief can deviate from the proposed disposition memorandum authored by internal investigations and impose whatever discipline he deems appropriate.

Add another comment



RECEIVED
2011 MAR - 8 AM 10:46
CHIEF OF POLICE

March 3, 2011

Chief John Diaz
Seattle Police Department
610 5th Avenue
P.O. Box #34986
Seattle, WA 98124-4986

Ref: Formal Complaint of Alleged Misconduct Involving Release of Sensitive
Department Information.
Named Employees: Unknown Department Employees.

Dear Chief Diaz,

On 3-2-11 at about 1700 hrs, King 5 TV published a story on their online web site as well as the local TV station announcing details from a discipline meeting which was held in your office on or about 3-1-11. The Seattle P-I also published the story on their web site. The story mentioned, among other things that: the proposed discipline for Detective Shandy Cobane was 30 days and a transfer, alleged comments and advice from the department legal advisor, steps taken by OPA to investigate the case including sending evidence to a forensic expert, as well as other proposed discipline for other named employees. This information led to a news crew showing up at one of the involved officer's homes and confronting the officer as he carried groceries into his home. This was not only embarrassing, but unsafe for the officer.

Access to such specific information from the disciplinary meeting was limited to a certain number of department employees. The dissemination of this sensitive material is a direct violation of several SPD Manual and Collective Bargaining Sections. It is serious misconduct and erodes the trust between the rank and file officers and the OPA system. This serious misconduct cannot be tolerated and must be thoroughly investigated.

The sections of the SPD manual which have been violated by the release of this information are: **12.080 Department Records Access, Inspection & Dissemination.** *Employees shall treat sensitive official department documents and records as confidential and shall not discuss or impart information to any person who is not a member of the criminal justice system without the permission of the Chief of Police, or by due process of law.*

5.001.c. Standards & Duties: *All employees shall maintain confidentiality of sensitive department records.*

1.070 Media Relations Policy: *The Chief of Police, or his designated representative, will be the only person authorized to speak to the media regarding department budget issues, department goals, allocation of resources and the interpretation of department policies.*

The Sections of the Collective Bargaining agreement which have been violated:

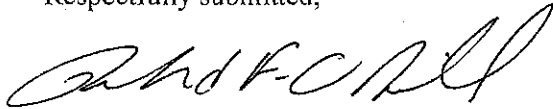
Officer Bill of Rights D.3.G *If the city has reason to discipline an officer, the discipline shall be administered in a manner not intended to embarrass the officer before officers or the public.*

3.6.H: *Unless pursuant to a court order or by operation of law, access to internal investigation files shall be limited to members of the OPA, OPA Auditor, Assistant Chiefs, the legal advisors, department human resource director and the Chief of Police.*

3.6.K: *Records of all sustained complaints, including the punishment imposed, should be made public in a format designed to protect the privacy of the officers and complainants.*

I am willing to cooperate in any way with an investigation into this misconduct.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Richard F. O'Neill", written in a cursive style.

Richard F. O'Neill
President

SCOPE OF WORK
Attorney/Client Privilege

TO: Mr. James Shaker
206-654-2261 voice
206-652-2961 fax

FROM: Assistant Chief Dick Reed
206-684-8902 direct
206-██████ cell

Assistant Chief Paul McDonagh
206-615-0956 direct
206-██████ cell

Alyssa Pulliam, Executive Assistant to the Chief of Police
206-233-0094 direct
206-684-5525 fax

Any questions regarding this Scope of Work need to be addressed with Assistant Chief Dick today, March 10, 2011. Per the conversation between Assistant Chief Dick Reed and Mr. James Shaker on March 10, 2011, the requested scope of work is as follows. Interview the following individuals over the course of the next two weeks to ascertain their knowledge of events surrounding a meeting that occurred on March 1, 2011 and the resulting news story by KING5 News on the evening of March 2, 2011. The meeting on March 1st was to discuss discipline for OPA Case #10-0175 in which the named individuals included Detective Shandy Cobane and Officer Mary Woollum. Less than 24 hours later, contents of the discussion in that meeting and the surrounding strategy were described in detail in the KING5 News story that aired on the 5pm news on March 2, 2011. The level of specificity in the KING5 News story on March 2nd indicates that one or more of the twelve people in the room on March 1st discussed this with someone outside of the room against SPD policy that was then related to KING5 news. One of the twelve could have spoken with KING5 or to another person(s) who then related details to KING5.

Chief John Diaz
Deputy Chief Clark Kimerer
Deputy Chief Nick Metz
Assistant Chief Jim Pugel
Assistant Chief Mike Sanford
Kathryn Olson, OPA Director
Renni Bispham, Legal Advisor
Captain Joe Kessler* (Seattle Police Management Association - SPMA)
Captain Mike Washburn* (SPMA)
Lieutenant Jim Fitzgerald* (SPMA)
Sergeant Randy Woolery* (Seattle Police Officers Guild – SPOG)
Sergeant Barb Wilson* (SPOG)

*Will require five day notices prior to interviews due to union contracts.

Included with this fax is a copy of the complaint letter from SPOG and the printed version of the KING5 news story but it is recommended that you view the story on the KING5 website at <http://www.king5.com/news/local/Seattle-PD-stomping-incident-117280553.html>.

Contact Alyssa Pulliam to work out the schedules of the interviews and to coordinate any administrative tasks necessary to complete this scope of work by phone or fax. Any other question should be addressed to Assistant Chief McDonagh by phone or fax.

Thank you.

Friend-Gray, Sheila

From: Reed, Dick
Sent: Thursday, March 31, 2011 3:45 PM
To: Kuehn, Mark
Subject: FW: Investigation protocol

From: Richard O'Neill [<mailto:president@seattlepoliceguild.org>]
Sent: Thursday, March 31, 2011 3:06 PM
To: Fields, Michael R. (Personnel)
Cc: Reed, Dick
Subject: RE: Investigation protocol

Mike

This is my understanding of our conversation as well. This is a unique circumstance and will set no precedent for our body of work in regards to OPA investigations.

Rich

Our conversation also stated that we do expect to get transcripts of these interviews as required by CBA.

From: Fields, Michael R. (Personnel) [<mailto:MichaelR.Fields@seattle.gov>]
Sent: Thursday, March 31, 2011 1:46 PM
To: Richard O'Neill
Cc: Reed, Dick
Subject: Investigation protocol

Rich,

This e-mail is a follow-up to our discussion yesterday regarding the ongoing investigation into the "Cobane leak." Due to the unique circumstances of this investigation we discussed having a police captain conduct that the remaining interview of a SPOG member. Also per our discussion, a captain acting as in interviewer in this case will no precedential value going forward and no impact on SPOG's argument that conducting IIS interviews is a Guild body of work.

I have cc'd AC Reed to this e-mail since he is coordinating the remaining interviews. Please direct any further discussion on this topic to him since I will be out of the office until 4/11.

Thanks, Mike

Friend-Gray, Sheila

From: Richard O'Neill [president@seattlepoliceguild.org]
Sent: Thursday, March 31, 2011 3:06 PM
To: Fields, Michael R. (Personnel)
Cc: Reed, Dick
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Sent: Thursday, March 31, 2011 1:46 PM
To: Richard O'Neill
Cc: Reed, Dick
Subject: Investigation protocol

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I have cc'd AC Reed to this e-mail since he is coordinating the remaining interviews. Please direct any further discussion on this topic to him since I will be out of the office until 4/11.

Thanks, Mike

Friend-Gray, Sheila

From: Fields, Michael R. (Personnel)
Sent: Thursday, March 31, 2011 1:51 PM
To: Sano, Eric
Cc: Reed, Dick
Subject: Investigation protocol

Eric,

This e-mail is a follow-up to our discussion today regarding the ongoing investigation into the "Cobane leak." As we discussed, SPMA has agreed that the interview of Jim Fitzgerald will be conducted by Assistant Chief Reed.

I have cc'd AC Reed to this e-mail since he is coordinating the remaining interviews. Please direct any further discussion on this topic to him since I will be out of the office until 4/11.

Thanks, Mike

Friend-Gray, Sheila

From: Fields, Michael R. (Personnel)
Sent: Thursday, March 31, 2011 1:46 PM
To: Richard O'Neill
Cc: Reed, Dick
Subject: Investigation protocol

Rich,

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I have cc'd AC Reed to this e-mail since he is coordinating the remaining interviews. Please direct any further discussion on this topic to him since I will be out of the office until 4/11.

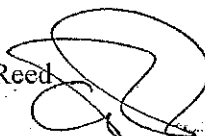
Thanks, Mike

SEATTLE POLICE DEPARTMENT MEMORANDUM

TO: Chief John Diaz
Office of the Chief

DATE: April 25, 2011

FROM: Assistant Chief Dick Reed
Field Support Bureau



SUBJECT: Proposed Disposition for OPA-IS Case 11-0100

This action is taken pursuant to the SPD Manual and the SPOG and SPMA contracts.

ACTION:

The attached investigation has been completed with a *proposed disposition* of **ADMINISTRATIVELY INACTIVATED**. If you concur with the *proposed disposition*, please note that on this memo and return the entire packet to Lt. Kuehn in OPA/IS. If you do not concur, please contact me directly. In either case, your response is due within 10 calendar days from the date of this memorandum.

OPA-IS Case Number:	11-0100
Employee:	UNKNOWN EMPLOYEE
Allegation:	5.001 S&D / (IV.C) Communication and Confidentiality
Complainant:	Chief John Diaz
Subject:	N/A
Incident Date:	03/02/2011
Date Reported:	03/02/2011
180-Day Expiration Date (SPOG & SPMA):	In abeyance

SUMMARY OF EVENT:

On 03/01/2011, a Discipline Meeting was held to discuss the recommended findings in OPA-IS case #10-0175. KING 5 News aired a story the following day detailing many elements of that Discipline Meeting. The Department had not authorized the release of the information contained in the news story. It was alleged that an unknown employee was responsible for failing to properly maintain the confidentiality of the meeting's discussions and recommendations. The content of the news story was so specific to the Discipline Meeting discussions; it seemed as if the leaked information must have been provided by an employee who was present at that meeting.

ISSUE:

Whether or not the unknown employee was responsible for allowing confidential information to be transmitted to a local media outlet.

ANALYSIS & CONCLUSION:

The Chief of Police directed that an investigation be conducted into the alleged confidentiality breach. Since the Discipline Meeting was attended by many members of the Department's senior command staff, including the Director of the Office of Professional Accountability, there was a potential conflict of interest inherent in any investigation conducted internally. Therefore, a private law firm was engaged to interview each of the meeting's attendees.

Prior to completion of the interviews, the Seattle Police Officers' Guild and Seattle Police Management Association raised objections, based on the terms of their collective bargaining agreements (CBA), concerning an outside entity being involved in the investigation. The Department addressed their concerns by having the remaining SPOG and SPMA members be interviewed by Department commanders, who were not participants in the Discipline Meeting. The interviews of represented employees were conducted in accordance with the requirements of their CBAs.

Every employee who was in attendance at the Discipline meeting, up to and including the Chief of Police, was interviewed during the course of the investigation. Each employee specifically denied providing confidential information from the meeting to the media. Each denied discussing the contents of the meeting in any detail with anyone who was not directly involved in the internal disciplinary process or was not in attendance at the meeting.

Information gathered during the interviews did not identify an employee responsible for violating the Department's confidentiality policy and did not provide any viable investigative leads necessitating additional follow-up. Therefore, it's recommended that this case be **Administratively Inactivated**. Should the Department receive new information that could enable the investigation to proceed, the case may be re-opened.

PROPOSED DISPOSITION:

Employee: UNKNOWN EMPLOYEE

Allegation: 5.001 S&D / (IV.C) Communication and Confidentiality

**ADMINISTRATIVELY
INACTIVATED**

_____ CONCUR

_____ DO NOT CONCUR

Chief of Police

Date

[In Web](#) | [Summit](#) | [Description](#) | [Report Menu](#) | [Select](#) | [Search](#) | [Summary](#)


Summit Reports

Vendor Utilization Detail

As of 12/22/2011 7:48:46 AM

This report is extracted from the Summit database

Business Unit: POL - Police Department
Vendor: 0000031959 - RYAN SWANSON & CLEVELAND
Invoice Date Range: 1 - 2011 to 12 - 2011

<u>Contract ID</u>	<u>Invoice ID</u>	<u>Invoice Date</u>	<u>Warrant #</u>	<u>Pymnt Date</u>	<u>Merch Amt</u>	<u>Sales Tax</u>	<u>Freight Amt</u>	<u>Use Tax</u>	<u>Discount</u>	<u>Net Amt</u>	<u>Voucher #</u>	<u>Doc Type</u>	<u>Transaction #</u>
	1219902	2011-04-18	4001864507	2011-05-05	10,685.50	0.00	0.00	0.00	0.00	10,685.50	00116541	Competitive Exceptions	
	1222145	2011-06-15	4001891391	2011-07-07	874.00	0.00	0.00	0.00	0.00	874.00	00118110	Competitive Exceptions	1147067
	1221040	2011-05-16	4001881662	2011-06-15	418.00	0.00	0.00	0.00	0.00	418.00	00117529	Competitive Exceptions	1146920
Totals:					11,977.50	0.00	0.00	0.00	0.00	11,977.50			

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2011 APR 20 AM 10:10

SEATTLE CITY ATTORNEY

City of Seattle
Attn: Mr. Paul Olson
600 Fourth Avenue, Floor 1
PO Box 94726
Seattle, WA 98124-4726

CITY ATTORNEY'S OFFICE	
DATE:	_____
CASE #:	_____
APPROVED:	_____
SECTION:	_____
REIMBURSEABLE:	Y N

Ryan, Swanson & Cleveland, PLLC
1201 Third Avenue, Suite 3400
Seattle, WA 98101-3034
206.464.4224 | Fax 206.583.0359
Toll-free 800.458.5973
www.ryanswansonlaw.com

*Send to SPD
for direct payment*

April 18, 2011

Invoice # 1219902

Client # 020113-00006 - JMS

INVOICE FOR SERVICES RENDERED THROUGH 03/31/2011

Legal Services Regarding: SPD Interviews re King5 News

03/10/11	Telephone conference with Assistant Chief Reed (this includes time from March 9); review incoming materials; discuss strategy	JMS	1.10	357.50
03/10/11	Meeting with J. Shaker and T. Olsen regarding nature of investigation; review memo re scope of investigation; read attachments; view news story; communications with A. Pulliam regarding union agreements and department manual	RPL	1.30	494.00
03/10/11	Conference with J. Shaker and R. Lentini and review documents, articles and news coverage regarding discipline meeting	TSO	0.70	171.50
03/11/11	Review SPD manual and bargaining agreements; work on examination outline; conference with A. Pulliam re interview schedule	RPL	1.80	684.00
03/14/11	Conference with A. Pulliam re interview plan and schedule; work on interview topics and outline	RPL	2.10	798.00
03/15/11	Communications with M. Kuehn regarding interview rules and schedule; conference with A. Pulliam regarding same; review new news article	RPL	1.10	418.00
03/16/11	Meeting with Lt. Kuehn to discuss interview procedures; interview Deputy Chief Metz	RPL	2.20	836.00
03/17/11	Interviews of R. Bispham, Asst. Chief Sanford, Asst. Chief Pugel and Deputy Chief Kimerer	RPL	6.00	2,280.00
03/21/11	Review KING 5 reports in light of witness interviews	RPL	0.50	190.00
03/22/11	Communications with M. Kuehn re SPMA witness interviews	RPL	0.20	76.00

03/24/11	Interview Sgt. Woolery; meeting with SPMA representatives and Captain Kessler re interview issues; meeting with Chief Diaz regarding SPMA objections; further discussions with Cpt. Kessler and SPMA representatives; meeting with M. Kuehn and A. Pulliam regarding plan and strategy for further interviews	RPL	3.60	1,368.00
03/25/11	Intraoffice conference with R. Lentini regarding status and strategy regarding interviews and issues raised during interviews	JMS	0.50	162.50
03/25/11	Meeting with J. Shaker regarding investigatory procedures and ethical obligations; research same; message from Lt. Kuehn re retention of video expert	RPL	1.50	570.00
03/28/11	K. Olsen interview; meeting with K. Olsen and J. Diaz regarding union issues and plan of action; interview J. Diaz; meeting with Chief Reed and M. Fields re union issues	RPL	4.10	1,558.00
03/29/11	Communication with Lt. Kuehn re interview schedule	RPL	0.20	76.00
03/30/11	Conference with Chief Reed regarding schedule for meeting to discuss union issues and interview of SPMA members	RPL	0.20	76.00
03/31/11	Meeting with Chief Reed, Cpt. Gleason and Lt. Kuehn regarding union issues, information obtained, and topics for interviews	RPL	1.50	570.00

Total Fees \$ 10,685.50

Total Fees and Costs for Invoice #1219902 \$ 10,685.50
(U.S. Funds)

ACCOUNT SUMMARY

Previous Balance	\$ 0.00
Current Charges (<i>Invoice Detail Above</i>)	\$ 10,685.50
Account Balance as of April 18, 2011	<u>\$ 10,685.50</u>

This balance includes ALL unpaid invoices as of this date.

If you have questions concerning your account, please contact our Client Accounts Manager at (206) 654-2248, or via email at clientservice@ryanlaw.com

Remittance Instructions

Please include your invoice number(s) on your remittance. If your payment is made by wire remittance, please direct to:
Ryan, Swanson & Cleveland, PLLC
The Foundation Bank

Bank ABA # 125108625

Account # 103000493

Visa, MasterCard and American Express also accepted.

Invoices are due upon receipt. Balances not paid within 30 days will be assessed a service charge of 1% per month.

FEDERAL TAX IDENTIFICATION NUMBER (TIN) 91-0392954



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2011 MAY 19 AM 9:51
SEATTLE CITY ATTORNEY

Ryan, Swanson & Cleveland, PLLC
1201 Third Avenue, Suite 3400
Seattle, WA 98101-3034
206.464.4224 | Fax 206.583.0359
Toll-free 800.458.5973
www.ryanswansonlaw.com

City of Seattle
Attn: Mr. Paul Olson
600 Fourth Avenue, Floor 1
PO Box 94726
Seattle, WA 98124-4726

May 16, 2011
Invoice # 1221040
Client # 020113-00006 - JMS

INVOICE FOR SERVICES RENDERED THROUGH 04/30/2011

Legal Services Regarding: SPD Interviews re King5 News

04/11/11	Communications with Lt. Kuehn re meeting with Chief Reed and Cpt. Gleason	RPL	0.20	76.00
04/15/11	Meeting with Assistant Chief Reed, Cpt. Gleason and Lt. Kuehn to discuss results of interviews, report and closing of investigation	RPL	0.90	342.00

Total Fees

\$ 418.00

Total Fees and Costs for Invoice #1221040

\$ 418.00
(U.S. Funds)

ACCOUNT SUMMARY

Previous Balance	\$	10,685.50
Current Charges (Invoice Detail Above)	\$	418.00
Payments/Trust Retainers Applied	\$	(10,685.50)
05/12/11 Payment	\$	10,685.50

Account Balance as of May 16, 2011

\$ 418.00 ✓

This balance includes ALL unpaid invoices as of this date.

If you have questions concerning your account, please contact our Client Accounts Manager at (206) 654-2248, or via email at clientservice@ryanlaw.com

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CITY ATTORNEY'S OFFICE	
DATE:	
CASE #:	
APPROVED:	
SECTION:	
REIMBURSEABLE: Y N	



Lawyers since 1897

Ryan, Swanson & Cleveland, PLLC
1201 Third Avenue, Suite 3400
Seattle, WA 98101-3034
206.464.4224 | Fax 206.583.0359
Toll-free 800.458.5973
www.ryanswansonlaw.com

City of Seattle
Attn: Mr. Dan Dueball
PO Box 34986
Seattle, WA 98124-4986

June 15, 2011

Invoice # 1222145

Client # 020113-00006 - JMS

INVOICE FOR SERVICES RENDERED THROUGH 05/31/2011

Legal Services Regarding: SPD Interviews re King5 News

05/26/11	Review interview notes in preparation for meeting; meeting with Chief Diaz and Asst. Chief Reed to discuss investigation, findings and recommendations for course of action	RPL	2.30	874.00
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Total Fees

✓31959

\$ 874.00

Total Fees and Costs for Invoice #1222145

\$ 874.00
(U.S. Funds)

ACCOUNT SUMMARY

Previous Balance	\$ 418.00
Current Charges (Invoice Detail Above)	\$ 874.00
Account Balance as of June 15, 2011	<u>\$ 1,292.00</u>

This balance includes ALL unpaid invoices as of this date.

OPEN INVOICES

<u>Invoice Date</u>	<u>Invoice #</u>	<u>Amount</u>
05/16/11	1221040	\$ 418.00
Total Open Invoices from Previous Balance		<u>\$ 418.00</u>

